

# Kentucky Division of Waste Management

## Program Updates and Regulatory Initiatives

Brian Osterman  
Environmental Control Branch Manager  
DWM Field Operations Branch



# Underground Storage Tank Program

## Currently Working on New Regulations

- Will incorporate most of the 40 CFR's 280 and 281
- Vetting process to top stakeholders
- Possible implementation in early 2019





# Hazardous Waste

On December 7, 2017, Kentucky Adopted New Regulations

- They are current with the federal regulations. *(Authorization Currently Under Review by EPA)*
- Incorporates the Federal CFR's
- Reduced 401 KAR Chapter 39 from 165 regulations to 5 regulations.



# Hazardous Waste

## Kentucky's View of the Generator Improvement Rule

- Make more user-friendly
- Provides greater flexibility for hazardous waste generators to manage waste.
- Identified gaps in the regulations
- Clarifies components of the hazardous waste generator program





# Hazardous Waste

## Kentucky Specific Changes

- VSQG's fee schedule
  - If an EPA ID for a VSQG is required, the facility must submit an annual registration fee of \$200.00.
  - If multiple VSQG facilities are submitted together on a registration form, there is an initial \$200.00 fee and each additional facility will be \$150.00.
  - Expecting a reduction in VSQG registrations.



# Solid Waste

## Technically Enhanced Naturally Occurring Radioactive Material (TENORM) Regulations

- Became effective on December 7, 2017.
- Regulations with both KYDEP (401 KAR 48:090) and CHFS (902 KAR 100:180).
- All contained landfills in Kentucky are required to submit a modification.

0-5 pCi/g Not considered TENORM

5-100 pCi/g Permit Modification

100-200 pCi/g Permit Modification, Registration as a Rad Facility,



# Solid Waste

## Coal Combustion Residuals (CCR) Regulations

- 401 KAR Chapter 46 was implemented in early 2017.
- Incorporated Federal CCR Rule 40 CFR 257.
- Lawsuit contesting the regulation.
- Judgement in February 2018
- Solid Waste Branch is still working out processes and standard operating procedures to ensure coverage of the regulations.





# The Division's Focus Moving Forward

- Produce a CCR regulation package within the next 3 months
- Start a review of our Solid Waste Regulations
- Recruit and Retain Adequate Staff for successful programs
- Onboarding a new commissioner for KDEP.





# Contact info



Brian Osterman  
Environmental Control Manager  
Field Operations Branch  
Division of Waste Management

Phone: (502) 782-6725

Cell: (502) 229-8326

Email: [brian.osterman@ky.gov](mailto:brian.osterman@ky.gov)

